

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Case No. 3:14-CV-513**

JOSEPH W. GRIER, III, in his capacity as the
court-appointed Receiver for James H. Mason,
The JHM Forex Only Pool (f/k/a The JHM Forex
Only Pool, LP) and Forex Trading At Home,

Plaintiff,

v.

STEPHEN H. GALLAGHER and LYNN J.
GALLAGHER, both individually and in their
capacity as Trustees of The Gallagher Family
Trust,

Defendants.

**CONSENT ORDER GRANTING PRELIMINARY INJUNCTION AND PRE-
JUDGMENT ATTACHMENT**

THIS MATTER came on for hearing at 11:00 a.m. on September 26, 2014 for the purpose of considering whether the temporary restraining order entered by the Court on September 19, 2014 (Doc. No. 9) should be extended into a preliminary injunction and whether prejudgment attachment would be appropriate relief under these circumstances. During the hearing, counsel for the Plaintiff represented that the parties have consented to the preliminary injunction and prejudgment attachment pursuant to the terms set forth below.

IT IS, THEREFORE, ORDERED that:

- (a) Except as otherwise provided in this consent Order, Defendants Stephen H. Gallagher and Lynn J. Gallagher, both individually and in their capacity as Trustees of The Gallagher Family Trust ("Defendants") and Defendants' agents, servants, employees, family members, friends and any and all persons acting in aid of or conjunction with

Defendants are enjoined, until further Order of this Court, from spending, transferring, encumbering, distributing, dissipating or otherwise disposing of:

(i) the real property located at 1835 Canyon Court, Allen, Texas 75013-4743 and being more specifically described as "Lot 18, Block M of Twin Creeks Phase 6A, an addition to the City of Allen, Collin County, Texas, according to the Amended Plat thereof recorded in Volume Q, Page 203, Map Records, Collin County, Texas" (the "Real Property");

(ii) the proceeds of a loan to Defendants from Generation Mortgage Company secured by the Real Property (the "Mortgage Proceeds"); or

(iii) any funds or other proceeds traceable to James H. Mason, The JHM Forex Only Pool (f/k/a The JHM Forex Only Pool, LP), Forex Trading At Home and related/affiliated entities (the "Receivership Entities").

(b) Within three (3) days of the entry of this Order, Defendants shall cause Fifty Thousand Nine Hundred Twenty-Five and 00/100 Dollars (\$50,925.00) to be deposited with Boyd & Associates, P.C. to be held in trust pending further order by this Court or final resolution of this matter;

(c) Any and all deposit accounts held by Defendants shall remain frozen, with the exception of three deposit accounts at BBVA Compass Bancshares, Inc. a/k/a Compass Bank ending in 1877, 8135 and 7945, respectively, for the purpose of collecting monthly Social Security and pension payments, allowing Defendants to live off the funds currently existing in the accounts according to the accounting provided by Defendants to Plaintiff on or around September 24, 2014 and any future Social Security income and pension income deposited in the 1877, 8135 and 7945 accounts that are in no way traceable to the Real Property, the Mortgage Proceeds or assets of the Receivership Entities;

(d) Except as set forth in paragraph (c) of this order, Defendants may not spend, transfer, encumber, distribute, dissipate or otherwise dispose of any funds or other assets

having a fair market value in excess of \$1,000.00 unless and until (i) Defendants give Plaintiff at least fourteen (14) days advance written notice thereof or (ii) the Court enters an Order authorizing the same;

(e) Without determining whether Defendants can claim an enforceable homestead exemption in the Real Property or whether the Real Property is subject to a constructive trust in favor of Plaintiff and expressly reserving ruling on those issues for future orders, Plaintiff is entitled to the prejudgment attachment of the Real Property;

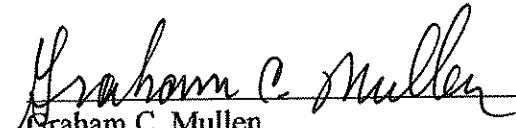
(f) Plaintiff shall submit an appropriate order or writ of attachment for the Court's consideration, and, upon the Court's approval of the same and Plaintiff's submission of a \$200.00 bond with the Clerk of U.S. District Court, the Court shall enter the order or writ of attachment encumbering the Real Property;

(g) Any party to this proceeding shall have the right to seek modification of the terms of this consent Order at any time; and

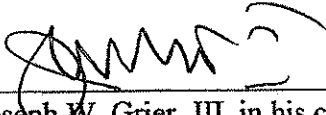
(h) Both Plaintiff and Defendants specifically waive any procedural protections or requirements provided by Rule 65 of the Federal Rule of Civil Procedure in connection with the entry of this consent Order.

SO ORDERED.

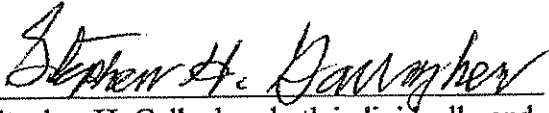
Signed on this 25th day of September, 2014.


Graham C. Mullen
UNITED STATES DISTRICT JUDGE

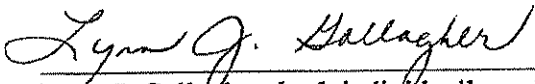
APPROVED FOR ENTRY BY:



Joseph W. Grier, III, in his capacity as the
court-appointed Receiver for James H.
Mason, The JHM Forex Only Pool (f/k/a
The JHM Forex Only Pool, LP) and Forex
Trading At Home



Stephen H. Gallagher, both individually and
in his capacity as Trustee of The Gallagher
Family Trust



Lynn J. Gallagher, both individually and in
her capacity as Trustee of The Gallagher
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